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Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Requesting that the U.N. recognise ISIS atrocities against Christians and other religious and ethnic minorities as genocide and take immediate appropriate action

1. INTRODUCTION

In August of 2017, the ECLJ submitted its fourth written and oral testimony to this Council requesting that the United Nations (U.N.) declare that ISIS is committing genocide against Christians and other religious minorities and stand against the genocide by aiding and bringing justice to the victims.

Since then, significant work has been accomplished, including the Security Council's passage of Resolution 2379, which calls for the creation of an Investigative Team for the purpose of "collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity, and genocide committed by the terrorist group [ISIS] in Iraq"1. However, the U.N. has yet to declare these atrocities as genocide even while many international bodies have already done so.

The action we request today is two-fold. First, it is imperative for the U.N. to declare that the atrocities ISIS has been carrying out against Christians and other religious and ethnic minorities constitute genocide. Second, the U.N. must provide the assistance and security necessary to clean-up the destruction caused by ISIS's genocide and to allow for the lasting resettlement of the victims.

2. BACKGROUND

As the ECLJ has submitted before, the actions ISIS has been carrying out against Christians and other religious minorities in Iraq and Syria clearly embody the definition of genocide as enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide2.

ISIS's notorious abuses have targeted religious minorities, including an estimated 200,000 Iraqi Christians in 20143. ISIS has expressed its specific intent to kill all Christians. In addition, ISIS has demanded that religious minorities pay a tax (called jizya) or flee — punishing by death those who fail to comply4. This purported offer to allow Christians to pay a jizya tax has been falsely interpreted by some to negate the genocidal intent displayed by ISIS. However, Al-Baghdadi has stated of Christians, "People of the Book . . . today are a people of war who qualify for no protection"5. Regardless, paying jizya or converting to Islam to avoid death are not meaningful alternatives to genocide.

1S.C. Res. 2379, ¶ 2 (21 Sept. 2017).

2Genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

> (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948.

3Bureau of Democracy, H.R. and Lab., U.S. Dep't of State, Iraq 2014 International Religious Freedom Report 4 (2014).

4Bureau of Democracy, H.R. and Lab., U.S. Dep't of State, Syria 2014 International Religious Freedom Report 1 (2014).

5Alberto M. Fernandez, *The ISIS Caliphate and the Churches*, Memri.org (27 Aug. 2015), http://www.memri.org/report/en/.

As more ISIS-held regions are being liberated, evidence is revealing the undisputable genocidal acts by ISIS against religious minorities. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention. The victims of ISIS's genocide deserve the recognition and protection of the international community, yet the world's premier international body has failed to recognise that they are indeed victims of genocide.

While ISIS continues to perpetrate genocidal crimes, it is losing ground in Iraq. However, continued conflict in the area poses a hindrance to the expeditious resettlement of Iraqi internally displaced persons (IDPs). Some Christians in Iraq have already begun returning home only to be forced to flee again. Thus, the international community must take intermediate measures to aid and protect them. We advocate for the prioritisation of international aid and assistance to create and maintain safe in-region relocation options. The creation of "safe zones" helps to ensure the safety and security of IDPs who, so far, have not been able to return home, IDPs who have returned home, or survivors who perhaps never left.

Iraqi Christians have already begun to return home to northern Iraq following the victory over Islamic State fighters, only to have to turn around and leave once again because of continued conflict in the area[6] or other reasons. The reports on the ground are bleak:

> "The reality is we cannot stay without the U.S. or the U.N. helping to protect Nineveh directly," Father Afram al-Khoury Benyamen told Fox News after Sunday mass recently at St. George Cathedral, a 133-year-old church. "With international protection maybe we can remain, but if it doesn't come soon . . . we go"[7].

"ISIS is not finished in Mosul and still they can come straight here," the priest said. "We expect more attacks. It is like staring into the darkness". He continued, "We are the original people, the indigenous people here in Iraq and the government should want us to stay. Instead there is nothing"[8]. And he explained the living conditions in his hometown this way: "The village is dirty and there is no electricity. No water coming, no markets. All of our people are thinking to immigrate and leave"[9].

Information we are receiving from those providing aid and recovery assistance confirms this reality and demonstrates that, in addition to safety and security concerns, and the need for basic necessities, IDPs seeking to return home are facing barriers that require access to legal assistance. For example, we are told that many IDPs need legal assistance in establishing their identities and obtaining new personal identification documents. Further, attention has been called to their need for help in obtaining documents helping them to prove ownership of their former residences, and in obtaining relief items from U.N. agencies. Clearly, these legal barriers must also be addressed when aiding IDPs in their efforts to return home.

3. REQUEST

Again, numerous international bodies have condemned ISIS's barbaric acts as acts of genocide. Several members of this Council, such as Germany, Belgium, France, Switzerland, Costa Rica, Liechtenstein, Ecuador, and The Netherlands, have also acknowledged that ISIS is committing genocide against religious minorities. While these nations stopped short of including Christians as victims of this genocide, the recognition of genocide itself is an important step that will help protect all victims.

6Perry Chiaramonte & Hollie McKay, *Iraqi Christians Forced to Flee Homes Again After Skirmishes Between Kurds and Central Government*, (24 Oct. 2017), http://www.foxnews.com/world/2017/10/24/iraqi-christians-forced-to-flee-homes-again-after-skirmishes-between-kurds-and-central-government.html.

7Hollie McKay, *Life after ISIS: Christians Say They Can't Go Home Without International Protection*, Fox News (5 Dec. 2017), http://www.foxnews.com/world/2017/12/05/life-after-isis-christians-say-cant-go-home-without-international-protection.html.

8*Id.*

9*Id.*

Still, the U.N. has not taken the critical step of acknowledging the ISIS genocide in Iraq and Syria. As one Christian survivor said of the U.N.'s inaction, "[N]o one cares about us like we are not human"10. We need action now.

While the ECLJ calls for swift and decisive action by the international community to address the genocide and protect its victims, it also understands that first the U.N. *must* recognize that the atrocities ISIS has been committing constitute genocide. A declaration by this Council that ISIS is engaged in genocide against Christians and other religious minorities and action by this Council calling for the U.N. Security Council (and other appropriate organs of the U.N.) to follow suit would carry significant weight.

The U.N. must stand against the evils of the ISIS genocide and use all available options by, as we are advocating, implementing appropriate penal tribunals, administering a more efficient delivery of aid, and providing meaningful in-region protection for victims such as the establishment of safe-zones.

The U.N. must defend the rights of all religious minorities, including the Christians in Iraq, Syria, and any other place where ISIS has been engaging in genocide – without delay. The very mission of this organisation requires nothing less.

4. CONCLUSION

Therefore, the ECLJ urges the U.N. to declare these atrocities as acts of genocide and to assist those seeking to return home and facilitate the ultimate and lasting resettlement of the victims of ISIS's atrocities, including those who survive the genocide.

10GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016), *available at* http://www.stopthechristiangenocide.org/en/resources/Genocide-report.pdf.